

Case No. 210217US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : :

Ichiro YAMASHITA : GROUP ART UNIT: 1632

SERIAL NO: 09/893,666 : EXAMINER: WOITACH

FILED: JUNE 29, 2001 : ALLOWED: NOVEMBER 19, 2003

FOR: HIGH ESTROGEN-SENSITIVE MEDAKA FISH

PETITION UNDER 37 C.F.R. §1.181(a)(3)

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

SIR:

Petitioners respectfully request the Office to invoke the supervising authority of the Commissioner and consider Petitioners' Comments on Statement of Reasons for Allowance, concurrently filed herewith, and also indicate that U.S. 5,903,305, which was cited on the Information Disclosure Statement filed on December 19, 2001, and JP 2000-201688, which was originally cited on the Information Disclosure Statement filed on December 19, 2001 and again on the Information Disclosure Statement filed on May 20, 2003, have been considered.

Petitioners respectfully request that the Examiner acknowledge consideration of same by providing Applicants with an initialed copy of Form PTO-1449 enclosed herewith listing this reference. Petitioners submit herewith copies of the Information Disclosure Statements as filed on December 19, 2001 and May 20, 2003, as filed, along with copies of the date-stamped filing receipt evidencing the timely filing thereof.

For the reasons given above, this petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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(OSMMN 08/03)

NFO:VKS



LW
Dept.: PP
By: NFO/shb

OSMM&N File No. 210217US0

Serial No. 09/893,666

In the matter of the Application of: Ichiro YAMASHITA

For: HIGH ESTROGEN-SENSITIVE MEDAKA FISH

Due Date: 05/30/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Information Disclosure Statement PTO-1449
- Cited References (1)
- JAPANESE Office Action (with English translation)

COPY



O I P E
J C I T T
DEC 3 1 2003
U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

SHEET 1 OF 1

Form PTO 1449 (Modified)	ATTY DOCKET NO. 210217US0	SERIAL NO. 09/893,666
APPLICANT Ichiro YAMASHITA		
FILING DATE June 29, 2001		GROUP 1632

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						
AL						
AM						
AN						

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
AO	2000-201688	07/25/2000	JAPAN (with English Abstract)		X
AP					
AQ					
AR					
AS					
AT					
AU					
AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

AW		
AX		
AY		
AZ		<input type="checkbox"/> Additional References sheet(s) attached
Examiner		Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



OSMM&N File No. 210217US0

Dept.: PP
By: NFO/hc

Serial No. 09/893,666

In the matter of the Application of: Ichiro YAMASHITA

For: HIGH ESTROGEN-SENSITIVE MEDAKA FISH

The following has been received in the U.S. Patent Office on the date stamped hereon:

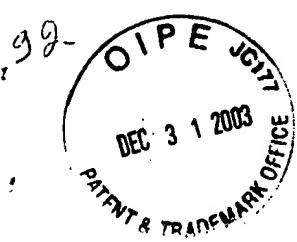
pp. Specification & Claims/Drawings Sheets _____
 Combined Declaration, Petition & Power of Attorney _____ pages _____
 List of Inventor Names and Addresses _____
 Utility Patent Application _____
 Notice of Priority _____
 Check for _____
 Fee Transmittal Form _____
 Assignment/PTO-1595 pages: _____
 Letter to Official Draftsman _____
 Letter Requesting Approval of Drawing Changes _____
 Drawings sheets _____ Formal _____
 Letter _____
 Amendment _____
 Information Disclosure Statement _____ PTO-1449 _____
 Cited References (8) _____
 EUROPEAN Search Report _____
 Statement of Relevancy _____
 English Abstracts, Concise Explanation, English Translation, Partial English Translation () _____
 IDS/Related/List of Related Cases _____ Cited Pending Applications () _____
 Restriction Response _____ Election Response _____
 Rule 132 Declaration _____
 Petition for Extension of Time _____

Due date: 12-19-01

COPY



Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 210217US0	SERIAL NO. 09/893,666	
LIST OF REFERENCES CITED BY APPLICANT <i>DEC 31 2003</i>		APPLICANT		Ichiro YAMASHITA		
		FILING DATE		June 29, 2001		GROUP
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS	SUB CLASS
AA	5,903,305	05/11/99	T. YAMAMOTO			
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						
AL						
AM						
AN						
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY		TRANSLATION YES	NO
AO	WO 00/49150	08/24/2000	WIPO			
AP	2000-201688	07/25/2000	JAPAN (with AN AAA92174 and AN AAA92175)			X
AQ						
AR						
AS						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)						
AT	Patent Abstracts of Japan, JP 2001 122899, May 8, 2001					
AU	T. KAWAHARA, et al., Zoological Science, vol. 17, no. 5, pages 643-649, "CLONING AND EXPRESSION OF GENOMIC AND COMPLEMENTARY DNAs ENCODING AND ESTROGEN RECEPTOR IN THE MEDAKA FISH, ORYZIAS LATIPES", July 2000					
AV	H. OKADA, et al., Database Swall EBI, AN D28954, "ORYZIAS SP. mRNA FOR ESTROGEN RECEPTOR, COMPLETE CDS", April 23, 1994 and H. OKADA, et al., Database Swall EBI, AN P50241, "ORYZIA LATIPES ESTROGEN RECEPTOR", October 1, 1996					
AW	S. TAGAKI, et al., Molecular Marine Biology and Biotechnology, vol. 3, no. 4, pages 192-199, "AN EFFICIENT EXPRESSION VECTOR FOR TRANSGENIC MEDAKA CONSTRUCTION", August 1, 1994					
AX	M. GRAY, et al., Environmental Toxicology and Chemistry, vol. 18, no. 11, pages 2587-2594, "REPRODUCTIVE SUCCESS AND BEHAVIOR OF JAPANESE MEDAKA (ORYZIAS LATIPES) EXPOSED TO 4-TERT-OCTYLPHENOL", November 1999					
Examiner				Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						



Image

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ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Docket No.: 210217US0

RE: Application Serial No.: 09/893,666

Applicants: Ichiro YAMASHITA

Filing Date: June 29, 2001

For: HIGH ESTROGEN-SENSITIVE MEDAKA FISH

Group Art Unit: 1632

Examiner: WOITACH, J.

Allowed: November 19, 2003

Conf. No.: 9403

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 C.F.R. 1.181(a)(3)

Copy Form PTO 1449 (as filed May 20, 2003)

Copy of Date-Stamped Filing Receipt (dated May 20, 2003)

Copy of Form PTO 1449 (as filed December 19, 2001)

Copy of Date-Stamped Filing Receipt (dated December 19, 2001)

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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